

EXHIBIT 17

Excerpts from Deposition Transcript of Damon Toone

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH
CAROLINA, et al.,

Defendants.

AMENDED DEPOSITION
OF
DAMON TOONE

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
Chapel Hill, NC 27514

06-06-17
8:53 A.M.

Joanne Floch
Court Reporter

Civil Court Reporting, LLC
P.O. Box 1146
Clemmons, NC 27012
(336) 406-7684

1 recruitment is your main job responsibility?

2 A. Yes.

3 Q. Some schools, not necessarily UNC, try
4 to maximize the number of applications they
5 receive so that they can maximize number of
6 applications they reject.

7 A. Uh-huh (yes).

8 Q. So they can look more exclusive for the
9 rankings.

10 A. Uh-huh (yes).

11 Q. Does UNC do that?

12 A. Not at all.

13 Q. Okay. Does UNC actively recruit any
14 students who cannot be admitted to the University?

15 A. Not at all.

16 Q. Okay. Does UNC prioritize recruiting
17 certain types of students?

18 MS. COMBS: Object to form.

19 A. We spend a great amount of our time
20 traveling all 100 counties in North Carolina. We
21 enjoy recruiting students who contribute to all
22 forms of diversity, enjoy recruiting students who
23 are considered top North Carolinians, students who
24 are also considered transfer students.

25 Q. (Mr. Norris) Other than top North

1 Carolinians and transfer students, are there other
2 categories of students that you prioritize in
3 recruiting?

4 A. Top North Carolinians, underrepresented
5 and underserved students, and students that are
6 transfer students.

7 (EXHIBIT NUMBER 5 WAS MARKED)

8 Q. Please review the exhibit.

9 (Witness examined document)

10 Q. This is an email and an attachment from
11 Steve Farmer, correct?

12 A. You are correct.

13 Q. The attachment appears to be a draft of
14 the recruitment plan for the fall 2016 admissions
15 cycle. Is that correct?

16 A. That is what I'm reading.

17 Q. If you look at the first page of the
18 attachment, under the header "Goals" at the bottom
19 of the page. The first goal, the first bullet,
20 states, "Increase applications from top North
21 Carolinians, underrepresented students, and first
22 generation college students by 5 percentage points
23 each compared to 2015."

24 Did I read that correctly?

25 A. Yes, sir.

1 majority race students, white students?

2 A. It's not fair to say at all.

3 Q. Why not?

4 A. Because white students aren't the only
5 ones that grow up in monolithic backgrounds.
6 There is students of -- who've grown up only
7 around African-Americans or American Indians that
8 would love to be exposed to students that didn't
9 have that experience, as well as white students or
10 majority students who have grown up not in diverse
11 backgrounds that are going to meet someone from a
12 different culture.

13 Q. So it's important for UNC to recruit
14 white students to expose minority students to
15 different cultures?

16 A. It's important for UNC to recruit all
17 students.

18 Q. Talking about racial diversity, are
19 there other forms of diversity that are important
20 on campus.

21 A. Absolutely.

22 Q. Like what? Can you give examples?

23 A. Absolutely. If you have a student whose
24 sexual orientation is different, they're going to
25 be a minority in many cases as compared to the

1 world. If you have a student who is Jewish and
2 they are heavily involved with their culture,
3 their religion, they're going to be able to share
4 something from their background.

5 A student or person of veteran status in
6 some cases may not only be a person who has a
7 unique experience not shared by many on campus,
8 but also may possibly be a little bit older
9 student. So they're going to be able to share
10 that as well.

11 Q. Okay. Let's talk about sexual
12 orientation diversity then. Does UNC ask students
13 what their sexual orientation is on applications?

14 A. Absolutely not.

15 Q. Why not?

16 A. I can't answer that question.

17 Q. Do you think that would be an
18 appropriate question to ask on an application?

19 A. It would be hard for me to speculate.

20 Q. Okay.

21 A. It's -- it's entirely the person's
22 choice.

23 Q. So that information, if UNC is to
24 receive it, has to come from the student
25 voluntarily?

1 the question?

2 A. My answer would be the same, Top NC,
3 underrepresented Minority, first generation campus
4 student. What's not listed here is fee waiver,
5 other categories we've talked about today.

6 Q. So this is an old form. So today, with
7 the categories that are prioritized in recruitment
8 B: Top NC, underrepresented minorities, first
9 generation college students and low-income
10 students?

11 A. Yes.

12 Q. Okay. That would be an exhaustive list
13 of the groups who are prioritized. Is that
14 correct?

15 MS. COMBS: Object to form.

16 A. I don't know if it's an exhaustive list.
17 We didn't speak about veterans. We are having
18 conversations about lower number of men who are
19 applying to UNC. So I don't know if it's
20 exhaustive. I would challenge the word
21 exhaustive, I think.

22 Q. (Mr. Norris) Let me be a little bit
23 more specific then. This is a form filled out
24 after a recruitment event at a high school. Is
25 that correct?

1 it.

2 A. Sure. "Quotas in admissions."

3 Q. Okay. Now, if I could get the answer
4 you were about to give. What -- does UNC have
5 quotas in admissions?

6 A. No, sir, other than 82 percent of our
7 in-staters and 18 percent of our out-of-staters
8 for our final class.

9 Q. Okay. The quotas in admissions is a
10 question and topic raised by certain counselors at
11 this event. Is that correct?

12 A. That is correct.

13 Q. Do counselors ask that question
14 frequently?

15 A. Counselors, students, everyone.

16 Q. Yes?

17 A. Absolutely. Yes is the answer.

18 Q. Could you please read question topic,
19 the letter (h)?

20 A. (h), "Reserve spaces for minority and/or
21 Covenant students."

22 Q. What is a Covenant student?

23 A. Covenant students, based upon what I
24 believe the context would be here, would be the
25 Carolina Covenant, which is a program here at

1 Carolina for low-income students. It promises to
2 meet 100 percent of a student's demonstrated
3 need ---

4 Q. Okay.

5 A. --- parameters.

6 Q. Does UNC reserve spaces for minority
7 students?

8 A. Absolutely no.

9 Q. Do counselors ask that question
10 frequently?

11 A. Counselors in the past during this time,
12 not as much in my experience now, eight years
13 later.

14 Q. Okay. Does -- the two things that you
15 read to me, (b) and (h) appear under a header that
16 says, "Questions to Consider." Why does UNC need
17 to consider quotas in admissions or reserve spaces
18 for minority students?

19 MS. COMBS: Object to form.

20 A. Perhaps unfair to speculate but again,
21 questions to consider at this time would have
22 likely meant we had a low turnout at this
23 particular event, but the folks that did turn out
24 asked these questions and based upon that a
25 representative should be aware they will get